

REMARKS

Claims 39-47, 49-51, 56, 57 and 59-70 were pending prior to this Office Action. In the above-identified Office Action, the Examiner has rejected all the claims. Applicants appreciate the Examiner's detailed comments in the Office Action.

Applicants are currently amending claims 39, 40, 44-46, 49-51, 56, 59-60, 62, and 64 to further clarify the subject matter regarded as the invention. In addition, Applicants have canceled claim 43 and have added claim 71. Support for these amendments are provided in the application as originally filed. Accordingly, claims 39-42, 44-47, 49-51, 56, 57 and 59-71 remain pending.

In view of the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections.

Terminal Disclaimer

Claims 44-47, 49-51 and 64-70 were rejected on the ground of nonstatutory double patenting over claims of U.S. Patent No. 5,944,530. Though Applicants respectfully disagree with the rejections, to expedite the prosecution, Applicants have included a terminal disclaimer. Accordingly, Applicants respectfully request that the double patenting rejection of these claims be reconsidered and withdrawn.

Claims 39, 40 and 43

Claims 39, 40 and 43 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Cook et al, US 5,727,950 (hereinafter, "Cook"). Applicants respectfully disagree.

To expedite the prosecution, Applicants have amended independent claims 39 and 40 to include the limitations of adjusting the study materials comprising presenting a question regarding the user's understanding of the study materials just presented; and if the user's answer to the question is wrong, adjusting materials to be presented to help the user work on the study materials just presented.

The following serves as an example to illustrate certain aspects of the claimed invention. Note that the example is different from Applicants' claims, but may help to explain some of the claimed features.

Assume that a computer is used to help a user learn elementary mathematics. The computer presents the basic concept of multiplication with addition and subtraction to the user. The presentation is interactive, with areas that require user inputs. In view of the difficulty level of the materials, the computer waits for a user input for a certain duration of time. When the user fails to respond after the certain duration of time, the computer asks the user the following question:

"What is $6 \times 5 - (-5) + (+3) \times 7$?"

The user does not know that " $- (-5)$ " is the same as $+5$, and thus the user answers 46. This is a wrong answer. In response, the computer adjusts the materials to be presented to cover the basic concept of multiplication with addition and subtraction again. However, if the user answers 56, the computer continues to present the next area of the subject, which can be, for example, the basic concept of division.

As admitted on page 6 of the Office Action, Cook "fails to provide a teaching where adjusting the study material comprises of presenting a question to the user." Applicants agree. To try to remedy the deficiency, the Office Action introduced Collins et al, US 5,437,553 (hereinafter, "Collins").

The Office Action argued that Collins "teaches of adjusting a study material by asking the user whether or not he wants to continue with the learning material. If the user answer with 'yes' he will be shown a new learning material; on the other hand, if the user answer with 'no' he will be shown a game..." Applicants respectfully disagree with the assertion that Collins teaches the deficiency of Cook, for at least the reasons set forth below.

First of all, Collins does not teach or suggest adjusting the study materials for presentation on the subject to attempt to improve the user's concentration in learning the subject. Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. Otherwise, the Office

Action has used hindsight to conclude that the claimed invention was obvious, which is improper.

Even if it is appropriate to combine Collins with Cook as suggested in the Office Action, the question in Collins is not regarding the user's understanding of the study materials just presented to the user. Rather, the question in Collins simply asks the user if he wants to continue with the learning material.

Additionally, since there is no right or wrong answer to Collins' question, Collins could not possibly have taught or suggested, if the user's answer to the question is wrong, adjusting materials to be presented to help the user work on the study materials just presented.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. 102(e) rejections of claims 39 and 40, together with claim 43, which depends on claim 39, be reconsidered and withdrawn.

Claims 59, 60 and 62

Claims 59, 60 and 62 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Cook et al, US 5,727,950 (hereinafter, "Cook"). Applicants respectfully disagree.

To expedite the prosecution, Applicants have amended independent claim 59 to include the limitations of adjusting the study materials comprises changing a pace of the presentation of the materials.

In its page 5, the Office Action argued that Cook teaches the limitation of adjusting the study materials comprising changing a pace of the presentation of the materials. To support its position, the Office Action cited col. 63, lines 7-25 in Cook. In that section, Cook teaches its agent recognizing the current situation of its student being normal or abnormal to offer guidance. An abnormal situation can be abnormally slow on "this fluency drill in view of normal progress on other exercises." However, there is no teaching or suggestions in Cook of changing a pace of presentation of the materials in light of no inputs from the user within a specified time period.

As acknowledged on page 6 of the Office Action, Cook "fails to provide a teaching on adjusting the study material by switching to different set of study material."

Applicants submit that Cook not only fails to provide such teaching, Cook also does not teach or suggest changing a pace of presentation of the materials. It is not even clear how Cook can implement such a process.

Applicants further submit that with Cook not teaching or suggesting changing a pace of presentation of the materials, Cook could not possibly have taught or suggested changing the pace of the presentation of the materials including reducing the speed of presentation of the materials, as in Applicants' dependent claim 62.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. 102(e) rejections of claim 59, together with its dependent claims 60 and 62, be reconsidered and withdrawn.

Claims 41, 42, 61 and 63

Dependent claims 41-42 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Cook in view of Gevins et al, US 5,724,987 (hereinafter, "Gevins"); and claims 61 and 63 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of Collins. Applicants respectfully disagree with these rejections.

Irrespective of the Office Action's rationale, since Cook, Gevins and Collins do not teach or suggest any of the independent claims, singly or in any combination, bringing in Gevins and/or Collins for additional features in their dependent claims would not remedy the deficiencies in the cited references regarding the independent claims. For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. 103(a) rejections of claims 41, 42, 61 and 63 be reconsidered and withdrawn.

Conclusion

Thus, it is submitted that claims 39-42, 44-47, 49-51, 56, 57 and 59-70, together with the newly added claim 71 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

In the event that the Examiner, upon reconsideration, determines that an action other than an allowance is appropriate, the Examiner is requested and authorized to


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telephone Applicants' representative below prior to taking such action, if the Examiner feels that such a telephone call will advance the prosecution of the present application.

Any required fee in connection with the filing of this response is to be charged to Deposit Account No. 50-0727.

Respectfully submitted,

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